

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6416 of 2021

Arising Out of PS. Case No.-176 Year-2020 Thana- MOKAMAH District- Patna

GOVIND KUMAR Son of Late Ajay Ram Resident of Village-Gurudev Tola,
P.S.-Mokama, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr. Mushtaq Alam, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-04-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Mokama P.S. Case No.

176 of 2020 corresponding to Special (NDPS) Case No. 131 of

2020, registered for the offence punishable under Sections 20(b)

(ii)(c) and 22(c) of the NDPS Act.

On secret information raid was conducted in the

rented house of petitioner and upon search, 10 KG of Ganja was

recovered and six accused persons including this petitioner were

apprehended by the police.

It is submitted on behalf of the petitioner that no

recovery has been from conscious possession of this petitioner.

The mandatory provision with regard to search and seizure has



not been followed. The recovered quantity is less than commercial quantity. Moreover, co-accused Rahul Kumar @ Bukhari has been granted bail by this Hon'ble Court. Petitioner is in custody since 02.09.2020 and bears clean antecedent, as stated in para 3 of the petition.

Considering the fact that no recovery has been made from conscious possession of this petitioner coupled with the fact that petitioner bears clean antecedent, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS Act, Patna in connection with Mokama P.S. Case No. 176 of 2020 corresponding to Special (NDPS) Case No. 131 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

vinita/-

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